

05909 U.S. PTO
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From the desk of Cesar M. Diaz

United States Patent and Trade Mark Office
Commissioner of Patents
Post Office Box 1450
Alexandria, VA, 22313-1450

cc: Charles Gunter, Esq.

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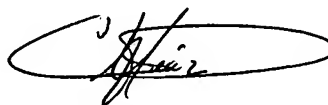
Dear Patent Examiner:

I sent this enclosed application out to you on December 17th, 2003 for delivery on the morning of December 18th, 2003 (see Federal Express Air bill copy attached). It appears that Federal Express Added MS 17, Office of Finance to the address and this caused confusion in your office. I have checked with a law firm here in Irvine California and Fort Worth Texas and they inform me that the address originally sent to is correct so I am sending this once again but am additionally sending you this letter via fax since this is an urgent matter. **Please be informed that we sent this application to ensure that Provisional Application #: 60/434,128 remained in full force and that we received confirmation of acceptance dated 1-27-03 that is attached to application.**

Please note that we acted responsibly and in good faith to deliver this to USPTO but do to apparent confusion this did not get accepted as usual.

Acting within 2 hours of physically receiving the returned application sent via economy Federal Express (dated shipment: 1-13-04) but from a different address than that originally mailed to (see copy of Federal Express Air Bill for returned application) by us. We formally request that USPTO accept our application as originally sent on 12-17-03 and that should have been accepted on 12-18-03 when first attempt for delivery was attempted to the proper address.

Sincerely,



1/14/04
12:41 PST

Cesar M. Diaz
Co-inventor / Applicant of record

Also faxed with copies of 2 Air way bills.

CERTIFICATE OF EXPRESS MAIL

Express Mail No. ER 628178163 US

37 CFR Section 1.10

I hereby certify that this document is being deposited with the U.S. Postal Service "Express Mail Post Office to Addressee" service in an envelope addressed to the Comm. For Patents, P.O. Box 1450, Alexandria, VA. 22313-1450.

Date: 1/14/04

By: 